



## Wisconsin State Legislature

FOR MORE INFORMATION  
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### **New Laws Protect Children**

Last month, Governor Scott Walker signed two bills into law designed to protect children from unspeakable crimes. Assembly Bill 630 (AB 630) and Senate Bill 546 (SB 546) give law enforcement officers and prosecutors additional tools to fight child pornography. In testimony at the public hearing for AB 630, one advocate started by explaining what child pornography isn't; it's not pictures of your toddlers playing in the bathtub or nude baby pictures. As one prosecutor described, child pornography is a photo or representation that exploits a child for the purpose of sexual arousal, gratification, humiliation, degradation, or for monetary or commercial gain. Both AB 630 and SB 546 will help protect children from these horrible crimes.

I introduced Assembly Bill 630 with Representative John Jagler (R-Watertown). While it is generally illegal to take and/or distribute a photograph of a nude person without their consent, there was an exemption in state law for parents or guardians who take pictures of their own children. As I said before, parents taking pictures of their kids in the tub is not child pornography, but when these pictures are taken to harm the child, parents and guardians should not be above the law. This bill narrows the exemption so that it excludes parents or guardians who take these pictures for sexual reasons, to humiliate their children or for financial gain. AB 630 is now 2015 Wisconsin Act 370. The need for this bill was made clear after talking to a constituent and hearing from law enforcement officials about parents and guardians who took nude photos of their children for sexual gratification. It was difficult to hear from a mother who learned this had happened to her own daughter and due to the loophole in state law, the police had limited prosecutorial options since the offender was the girl's step-father. I would like to

take a moment to thank them both for having the courage to share their story, so that we could change this law to ensure that doesn't happen again.

Senate Bill 546 is known as "Alicia's Law" after a young woman who was rescued from a sexual predator by an Internet Crimes Against Children (ICAC) task force. In 2015, authorities knew about more than 4000 unique IP addresses in Wisconsin that had been identified by ICAC as having been used to view, collect, download, upload, or share images of child pornography. Criminal justice experts estimate that about half of the individuals with child pornography on their computers are also hands-on offenders. SB 546 has two components, the first is limited administrative subpoena power.

The limited administrative subpoena power created by SB 546 allows law enforcement agencies to get certain information from Internet providers without a court order if it relates to an investigation and they have reasonable cause to believe the account has been used to commit an internet crime against children. An IP address is a lot like a phone number, when an individual sets up a connection from their computer to the Internet it is assigned a specific IP address. The administrative subpoena allows law enforcement to get the name and address associated with the IP address in question. This will help speed up the investigation process by giving law enforcement the basic information they need in order to begin the process to obtain a search warrant, which could potentially save children who are being exploited.

The work of ICAC task forces continues to grow. In 2005, the Wisconsin Department of Justice received 266 tips from the National Center on Missing and Exploited Children. By 2015, that number had grown to 1,300. The second part of SB 546 creates a surcharge to pay for ICAC task forces. The bill creates a \$20 surcharge for misdemeanor convictions and a \$40 surcharge for felony convictions. This money would be administered by the Wisconsin Department of Justice and would only be used for the ICAC task force at the department and for task forces at more than 200 local police departments in the state. SB 546, "Alicia's Law" is now known as 2015 Wisconsin Act 369.

These bills will help better protect Wisconsin's children by closing loopholes, providing new tools and resources to help law enforcement keep our children safe from sexual predators, whether online or in their own home.

*If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53708; or e-mail me at:*

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